

If you have learned that the Oregonian reaches nearly all desirable customers, you have a tooth to cut.

# East Oregonian

WEATHER FORECAST.

Tonight partly cloudy. Wednesday snow.

PENDLETON, OREGON, TUESDAY, DECEMBER 20, 1904.

NO. 5235.

## OF NATIONAL FAME INVOLVED

That the Land Frauds Investigated and Abetted from Washington.

### WITNESSES SAID TO BE MISSING.

Senators Will Be Under a United States Senator Congressman Are Coming on the Run—Investigation Directed by a Special Enquiry Interior Department—Against Hermann Said to be Missing.

### NUMBER THIEVES CONFESS.

Portland, Or., Dec. 20.—Major and Emma Watson, who were before the grand jury today, it is authoritative, confessed that both, as well as McKinley, made confessions, implicating high in authority. Secret men are looking for the through which certain persons have been informed of the and are taking precaution to insure safety, and are shadowing the first case considered by jury will be that of State of Pierce Mays, who is to have obtained fraudulent certificates of land from conveying the same with the name of his clerk, to a Seattle attorney and Peter. Potter has been only stated as agent for

### AND, DEC. 20.—THE GRAND RECONVENED.

It has met to decide the frauds against the land. Rumors of the most character are rife. The closed doors of the federal jury room began this of the investigation which is expected to result in the indictment of the criminals in the huge to defraud the government of the public lands. Fear has been made implicating in public life and in the state.

John H. Mitchell and Congressman Hermann are hurrying from Washington to face the grand jury and make an effort to themselves of complicity in the

### OF NATIONAL FAME.

In the history of the country government made more extensive efforts to sift a crime from the criminals to justice. The investigation has been taken out of the hands of the attorney's office and is being handled by Francis J. Hennessy, one of the most famous of the country and they are now assembling in the city. Among them are the reputation, whose detection of crime has been famous. A man who is suspected of in the land frauds is under scrutiny. The utmost precautions have been taken to prevent any of the guilty parties from being taken to the ends of the earth. It is believed that the government is full confession and from Emma Watson, the secrets of the land frauds are also said to be complete confession.

but her knowledge was limited to occurrences here in Oregon.

**Witnesses Missing.**  
Subpoenas were issued several days ago for C. E. Loomis and S. B. Ormsby, but as yet neither of them has been found, by United States deputy marshals. Loomis was in Portland last week and stayed at the Imperial hotel. Saturday evening he paid his bill and left without saying where he was going.

Loomis went to Eugene and a telegram from that town says he is still there.

Ormsby's home in Salem is locked, says a message from that place today, and neighbors say that Mr. and Mrs. Ormsby went to Portland last Wednesday.

It is considered strange that he should not have been found at once. The marshal's office refuses to give any information as to either Ormsby or Loomis, but it is known that as yet the search for them had been unsuccessful.

**Mitchell and Hermann Coming.**  
Interest naturally centers in the question whether Senator Mitchell and Congressman Hermann will be implicated by the evidence to be submitted to the grand jury. Both officials were interviewed last evening and both expressed themselves as confident of establishing their innocence.

They refer to the investigation as "malicious persecution" on the part of Secretary Hitchcock.

Senator Mitchell and Congressman Hermann will arrive in Portland Friday evening, and will undoubtedly be given an early opportunity to appear before the grand jury. Against Hermann the government has some very strong evidence. Much of it relates to facts which were published last spring during his campaign for election to congress. He will be obliged to explain why he ordered patents to issue upon the fraudulent homestead entries of Peter and his confederates, and that too, at a time when he was in possession of evidence of their fraudulent character. He must explain also why these applications were railroaded through to patent, sometimes within three days after their receipt at Washington, while legitimate settlers had to wait from one to three years.

**Evidence Against Hermann.**  
But the explanations which Hermann has given in the past will not now suffice, for the government is in possession of some most damaging facts, which seem to establish his connection with the frauds.

## USERS MUST BE COMPENSATED

DECISION DEFINING PRIOR WATER RIGHTS.

Supreme Court Confirms the Lower Court to the Effect That Irrigation Districts Can Assume No Ownership of Water Without Compensation of the Prior Users. Should There Be Such—Declares an Accepted Principle of Law.

In the case of the Little Walla Walla Irrigation District Against O. N. Preston and others, the supreme court handed down a decision yesterday affirming the decision rendered by Judge Ellis.

This case involved the question as to whether the organization of an irrigation district clothed it with power to regulate the use of water within the district without first purchasing, leasing or acquiring private water rights. The case was heard in the circuit court, Sullivan & Pierce appearing for the district, and Halley & Lowell for the defendants, who are water users within the district.

The lower court held that the organization of a district gave it no water rights, and before it could assume to control or regulate water for irrigation purposes it must secure by some legal means the rights which are vested in private owners, thus sustaining the contention of the defendants.

This case does not affect the validity of an irrigation district, as there was no attempt to question either the constitutionality of the law under which the district is organized, or to attack the regularity of the organization. The supreme court simply declares an accepted principle of law to the effect that individuals cannot be deprived of their property except by due process of law, and upon that principle holds that the district, before it can become operative, must secure by some process known by law and with due compensation, the water rights now held by private owners.

**Heavy Holiday Trade.**  
Walla Walla, Dec. 20.—Holiday trade this year is much larger than it was last season. All the stores and markets are full of shoppers and the business houses are remaining open late at night in order to accommodate the customers.

## NAN PATTERSON TELLS HER STORY

Confesses the Immoral Relations Between Herself and Caesar Young.

DENIES IN TOTO THAT SHE TOOK YOUNG'S LIFE.

Cross-Examination Fails to Involve or Confuse Her in Any Degree—She Claims That Young Was Afraid of His Wife and Says Young Told Her He Had Had Forty Drinks Within Eighteen Hours—Denies a Story She Told a Reporter, That Amounted to Confession.

New York, Dec. 20.—Miss Patterson denied the pawnshop story, also the story of a previous witness that Young struck her in the face in front of the Pabst restaurant the evening of the third. She and Young took a cab ride in the park. Young asked her to take a slow steamer and meet him at the Hotel Cecil, London. He gave her \$200. She did not give him a decided answer.

The witness then recited the events leading up to the cab ride the following day. She said Young was very much wrought up and told her he wished she could go with him, but knew it could not be. He said: "If you don't come, it may be months before I see you again, and maybe never." Young was excited.

Then the witness heard a report and Young fell over in her lap.

To the direct question whether she killed Young, the witness replied: "I did not."

**The Cross-Examination.**

New York, Dec. 20.—Miss Patterson took the stand under cross-examination by the prosecution. The court room was crowded to the doors. The defendant's nervous gaze shifted uneasily from father to her counsel.

Replying to questions, she said she was an actress by occupation. She was not a wife nor a mother.

She again told the story of meeting Young and of their return to New York, where she stopped with her sister, Mary Queen and Mrs. J. M. Morgan Smith, at the Navarre Hotel. That was May 2, when she and Young went to the Wellington Hotel. He registered as Caesar Young and wife. She was compelled to leave the Imperial Hotel because Milan, Young's partner, told the proprietor who she was.

Young supported her and often gave her large sums of money. The witness said Young intended to go to Europe because he was unhappy and thought he ought to go. Also, that Young said he feared his wife would do him harm.

**She Loved Young.**

The witness said the reason she did not take the trip to Europe she was afraid to go alone. She loved Young affectionately, devotedly, and would gladly lay down her life for him. She admitted that Smith and his wife were familiar with her relations with Young.

Yesterday the witness denied that Young struck her. Today she admitted that after they left the Flannery saloon she had a dispute with Young and he pushed his hand in her face and that she was crying.

The witness told of taking a cab the next morning, and of joking Young about his hat when the bookmaker told the driver to drive to a hat store. Young said he had had 40 drinks since the night before. She knew Young was going away, but thought not before a month.

Witness then replied to questions regarding the shooting. She was looking out of the cab window when she heard the shot. She did not see the revolver nor the flash, but saw smoke.

The witness denied the accounts of the shooting which she gave Reporter Marston, and said she told the truth to her counsel, but not to other people.

She denied that an operation had been performed on her.

The defense rested and a recess was taken until 2. Miss Patterson half staggered out of the court, with the aid of the jury.

**Go to Jury Tomorrow.**

Mrs. Young went on the stand and swore that Young did not wear a brown derby hat the day of the shooting, but a black hat. The defense rested and the court adjourned till tomorrow morning.

Lawrence R. Levy will sum up in the morning. Rand will close for the state this afternoon. It is expected the case will go to the jury late tomorrow afternoon.

## CRUSHED BY THE FALLING WALLS

Fatal Accident the Result of the Burning of a Business House a Week Ago.

AVALANCHE OF DIRT FELL IN MIDDLE OF THE NIGHT.

A Dozen Lives Lost and Many Were Injured by Smashing Down of the Walls and Roof of a Hotel Upon the Sleeping Inmates—Many Bodies Yet in the Ruins, Which Are on Fire—Fifty Persons in the Hotel When the Crash Came, and All the Dead and Injured Were Guests of the Place.

Minneapolis, Dec. 20.—A strong wind caused the walls of the ruined Peck building, burned last Tuesday, to fall at 1 this morning, crushing the Crocker Hotel building. Fifty persons were in the hotel at the time of the accident. The hotel building caught fire immediately.

Dead: William Brady, Joseph Villet, William Lillybade, William Brag, Charles A. Clark, Charles M. Denyon, John Immerman, James Ritchie and Hattie Bailey, all guests. Seriously injured: J. W. Crocker, Mrs. J. W. Crocker, Howard Crocker, Lotie Kruger, Jennie Murray, Mrs. Anna Monevine, Mrs. Margaret Leckir and Mrs. Evelyn Williams, Mrs. Margaret Leckir.

The building, of frame, was crushed like cardboard.

**First Dead Taken Out.**

The first body taken out was of an unknown man, recovered at 7 this morning. It is thought at least 10 others are in the ruins, which are still afire.

The body of the first man recovered has been identified as William Lillybade, the second as William Anderson, the third James Hamilton.

**READY FOR BATTLE.**

Tryout Finished and Both Fighters Are Confident.

San Francisco, Dec. 20.—Nelson was up with the lark this morning. After a hearty breakfast he went out for a short walk.

The man is safely within weight. Therefore he will rest until the hour for the fight. He will come in from his training quarters at 3 o'clock this afternoon, bringing with him about \$180 to bet on himself. His confidence is undiminished, and condition perfect.

Britt slept late and awoke with a tremendous appetite. He is down to weight, but for safety's sake will do considerable walking, and perhaps a little light gymnastic work.

The betting continues 10 to 8 in favor of Britt. The big money will be placed this afternoon, and a longer price is expected to result.

**Big Sales of Seats.**

The sale of seats continues brisk this morning, indicating the fulfillment of the prediction of the biggest house ever drawn by lightweights.

**Killed by a Live Wire.**

Marysville, Cal., Dec. 20.—Thomas Meade, an employee of the Bay Counties Power Company, tripped over a live wire near the Colgate power house Monday, receiving 30,000 volts. He died a few hours later.

**Bishop Phelan Dead.**

Pittsburg, Dec. 20.—Bishop Richard Phelan, of the Pittsburg diocese of the Catholic church, died at noon.

**Ex-Governor Eagle Dead.**

Little Rock, Ark., Dec. 20.—James P. Eagle, former governor of Arkansas, died this morning.

**GWINN TO WASHINGTON.**

Woolgrowers Send Him to National Forestry Congress.

James H. Gwinn was last night selected as the delegate to represent the Oregon Woolgrowers' association at the national forestry meeting to be held in Washington, D. C., January 2 to 6. Mr. Gwinn is secretary of the Oregon association. The sheepmen were in session yesterday afternoon and last night at the Commercial Association rooms.

The matter of driving sheep across the Umatilla Indian reservation and the granting of more grazing privileges to sheepmen on the forest reserves are questions to be presented by Mr. Gwinn at the Washington meeting.

Yesterday afternoon five delegates were selected from among the sheepmen attending the local meeting, and these afterwards met and chose Mr. Gwinn as the national representative. The five were: William Slusher, K. G. Warner, Antoine Vey, Douglas Belts and J. H. Gwinn.

## OHIO BANKS FAIL.

Confidence in Them Failed Since the Chadwick Exposure.

Cincinnati, O., Dec. 20.—The First National Bank here and the Marine Bank at Conneaut Harbor, have closed their doors. Since the exposure of the Chadwick matter depositors have been withdrawing their money from the two banks, finally compelling them to close down. Officials say they don't hold any Chadwick paper. The capitalization of the two banks is \$75,000.

**Bought Valuable Laces.**

Brussels, Dec. 20.—It has transpired that Mrs. Chadwick, when last here, purchased lace from the De-coster company amounting to \$1000. The bill is not yet paid, according to the company.

## STREET CAR RAN AWAY.

Miraculous Escape of the Six People Aboard.

Seattle, Dec. 20.—A Virginia street car this morning ran away down the steep hill and was demolished. The lives of the six people aboard were miraculously saved. Five were seriously injured: Motorman Inman, S. R. Wagers, E. M. Scott, Mrs. F. F. Stone and an unknown man. The car dashed across the sidewalk and knocked the corner off a saloon and crashed into a telephone pole.

## Trouble With Blockade Runners.

Tokio, Dec. 20.—The Japanese have seized the British steamer Nigretia, bound for Vladivostok, with contraband, and she was sent to Sasebo for trial in the prize court. The British steamer King Arthur, captured while attempting to leave Port Arthur yesterday, was taken to Sasebo. It is understood she took supplies to Port Arthur.

**Receives the Commission.**

Paris, Dec. 20.—President Loubet today received at the Elysee palace the members of the international commission of inquiry into the North Sea incident. Owing to the non-arrival of the American member, Rear-Admiral Davis, the Deggerbank hearing is postponed until tomorrow.

**Chicago Grain.**

Chicago, Dec. 20.—May wheat opened \$1.10 1/2, closed \$1.10 1/2. Corn opened 45 1/2, closed the same. Oats opened 31 1/2, closed 31 1/2.

## BOARD ASKS FOR APPROPRIATION

SOME DOUBT ABOUT A STATE FAIR NEXT YEAR.

\$19,000 Needed to Liquidate Old Debt Against the Fair Grounds and \$9800 to Square the State With Ladd & Bush on the Fair Account—Fair Not Expected to "Pay." But Is Deemed Valuable as an Advertisement of the State's Resources.

Salem, Dec. 20.—The most important business up for consideration before the state board of agriculture, is the discussion and preparation of the biennial report to the legislature; the election of officers, and the matter of whether or not an attempt will be made to hold a state fair next year.

The report will contain a strong recommendation to the legislature for the appropriation of about \$19,000 to wipe out the mortgage which has been foreclosed upon the fair grounds property, to satisfy a loan from the school fund 20 years ago; \$9800, special, to pay an obligation to Ladd & Bush for money advanced to lay the water mains at the grounds, which loan was made necessary on account of the governor's veto of the special appropriation bill passed at the last session, carrying an appropriation of \$10,000 to be expended in premiums, in case a fair is to be held next year.

Opinions are divided upon the question of a state fair in 1905, but the consensus of opinion seems to be in favor of the move. Financially, it is not looked upon as a success, but it is argued that it will be worth more than what it will cost as an advertisement of the state's resources.

The report of the last board of agriculture shows that, after all expenses had been paid, there was a balance in the treasury to the credit of the fair of over \$4000. When the books and accounts of the year 1904 had been opened, however, it was discovered that since the issuance of the report for the year before, warrants had been drawn to cover the whole of the balance shown, and that there was not a cent margin on the credit side of the ledger.

Jacksonville, Or., is taking steps to see that the Jacksonville mineral district is properly represented at the Lewis and Clark Exposition with gold, silver, copper, lead, platinum, cinnabar, plumbago, iron, asbestos, chrome, slate marble, limestone, granite, sandstone and cement.

## WITNESSES ARE DISAPPEARING

Mormon Polygamists Reluctant About Testifying in the Smoot Case.

POLYGAMY ON THE WANE AMONG OLD FAMILIES.

Testified That a Woman Was Compelled Under Duress to Give Up Her Land to the Church—Senator Smoot Testifies to His Loyalty to the Doctrine and Practice of Polygamy as a Higher Law Than That of Either the Civil Government or the Church.

Washington, Dec. 20.—Reed Smoot admitted he was practicing polygamy, adding, "Neither the law of the land nor that of the church can take away my obligations to my family, which are entered into between myself and my God."

**Gave Up Land Under Threats.**

Isaac C. Birdsell, formerly a Mormon at Elsinore, Utah, testified that his daughter was compelled by the church courts to give up her title to 60 acres of land to James Leavitt on pain of excommunication and torment by evil spirits. When she yielded she was baptized and received into the church.

**Polygamous Witnesses Missing.**

Washington, Dec. 20.—Apostle John Henry Smith was recalled at the opening of the Smoot inquiry this morning to be asked whether it was possible for Smoot to become an apostle, or to be married for time and eternity without having first taken the endowment obligations. He replied it was quite possible, but it was his belief Smoot had been through the endowment house.

United States Marshal Sherwood, of Utah, testified as to the difficulty of serving subpoenas for witnesses for the Smoot investigation. Many witnesses had left the country. Others could not be located. All those whom he failed to find are reported to be polygamists and to have entered into such relations since the manifesto. The witness said polygamy is rapidly decreasing among the old families.

**KUNKEL SAW JESSE JAMES.**

Bob Ford and Jesse James Made a Mild Attempt to Turn a Trick at White Cloud, Kan., Two Weeks Before James Was Killed—The Scheme Was Referred to By Ford While the Latter Was in Jail at St. Joseph.

Frank James, who, with his brother, Jesse James, and the Ford and Younger brothers, for years were the terrors of Eastern Kansas and Missouri, is in Pendleton today, but he comes on a peaceful mission. Star, of a melo-drama, "The Fatal Scare," is now the peaceful occupation of James since he laid aside his Colts. Besides, there is more money in the show business when one has made a reputation as a bad man, and then the risk is hardly so great. A bloodthirsty theater audience would rather give up its money at the box office than at the point of a pistol.

The coming to Pendleton of Frank James recalls an experience that happened to A. Kunkel, a local hardware and implement dealer, in White Cloud, Kan., 24 years ago.

"I was working in a general merchandise store at White Cloud, in the spring of 1882," said Mr. Kunkel, "when I had a strange experience with Jesse James and Bob Ford."

"I was locking the store one evening about 9 o'clock, when two strangers approached me. One of them said he was a stranger in town and as he had a large sum of money on him he would like to place it in the safe over night. I didn't know the combination and I told him so. The man thanked me and walked away."

"A fortnight later Jesse James was shot and killed at St. Joseph by Ford and in company with a friend I visited the murderer at the jail. It was there that I learned that the two men who wanted to get into my safe were James and Ford."

"It's a good thing," laughed Ford, "that you didn't open that safe, or your proprietor would have been minus its contents."

**Baptist Meetings.**

Wednesday evening the ordinance of baptism will be administered. The good sermons continue to come forth. As Mr. Neill remains with us we are all the more pleased with his frank and open way of preaching the Bible truths. Come out and hear him tonight. Strangers are specially invited.

G. L. H.

A liar is born dot vay, but der gas bill ackvies der habit.